

## Kentucky Revised Statutes KRS 344.030 and KRS 334.040

- An employer may provide some preferential treatment to pregnant employees pursuant to KRS 344.030 (6) without being considered to have discriminated against male employees.

With very few exceptions, the Kentucky Civil Rights Act, KRS 344.040 (1) and (2) states that is unlawful for an employer:

(1) **To fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the individual's race, color, religion, national origin, sex, age forty (40) and over, because the person is a qualified individual with a disability, or because the individual is a smoker or nonsmoker, as long as the person complies with any workplace policy concerning smoking;**

(2) **To limit, segregate, or classify employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect status as an employee, because of the individual's race, color, religion, national origin, sex, or age forty (40) and over, because the person is a qualified individual with a disability, or because the individual is a smoker or nonsmoker, as long as the person complies with workplace policy concerning smoking.**

- *Issues regarding leave for birth, adoption, and care of children and other are covered under the Family and Medical Leave Act of 1993. The Family and Medical Leave Act is enforced by the United States Department of Labor.*

## Kentucky Civil Rights Act

The Kentucky Civil Rights Act (KCRA) protects persons in the state from discrimination based on race, color, religion, national origin, sex, and disability in employment, housing, financial transactions, and public accommodation. Also illegal is discrimination in employment based on age (40 and over); discrimination against a person because he or she does or does not smoke; and retaliation emanating from filing a complaint; and discrimination in housing based on familial status (households with children age 17 and under).

The Kentucky Commission on Human Rights (KCHR) enforces the KCRA. It is comprised of 11 Commissioners, who are appointed by the Governor, and KCHR staff. The Commissioners oversee the work of the staff and act as a court in hearing discrimination complaints presented by KCHR staff attorneys.

Staff compliance enforcement officers receive and investigate complaints of discrimination. If investigation indicates probable cause to believe illegal discrimination occurred, enforcement officers forward the complaint to staff attorneys for litigation. When a conciliation settlement cannot be reached, the Commissioners may hold a hearing. They issue corrective orders when discrimination is proven. Orders can include payment of damages for embarrassment and humiliation to the victims of discrimination. The Commissioners may ask a circuit court to enforce an order.

KCHR undertakes a variety of other activities. Our mission statement commits us "to encourage fair treatment, to foster mutual understanding and respect among all peoples, and to discourage discrimination through commitment to education and the enforcement of the KCRA."

## What is Prohibited by the KCRA:

### Employment

Discrimination in employment based on race, color, religion, national origin, sex and disability, retaliation, or age (40 and over) in hiring, discharge, conditions of work, union membership, and advertising is illegal. Discrimination by employers against smokers or non-smokers is also illegal. The law applies to employers of eight or more, employment agencies, labor organizations, licensing agencies, and the Commonwealth of Kentucky and its political subdivisions, including public schools.

### Public Accommodation

It is illegal for a public accommodation provider to refuse or deny the full and equal enjoyment of goods, facilities, and accommodations based on race, color, religion, national origin, sex or disability. The law covers places which supply goods or services to the general public, such as restaurants and retailers; places that solicit or accept the patronage of the public; or places which are supported directly or indirectly by government funds.

### Housing

Discrimination in the sale, rental, or financing of housing because of race, color, religion, national origin, sex, disability or familial status is illegal. The law covers financial institutions, real estate brokers, insurance agents, owners or managers of rental units, and individual owners who place their property on the real estate market by advertising or displaying a notice.

### Retaliation

It is illegal to coerce or retaliate against any individual involved in actions or proceedings before the Kentucky Commission on Human Rights.

### Financial Transactions

The denial of credit or financing by a financial institution or person offering credit, is illegal when based on race, color, religion, national origin, sex or disability.

## Kentucky Commission on Human Rights

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The Kentucky Commission on Human Rights affords all persons equal employment opportunity and equal access to services without regard to race, color, national origin, disability, age, sex, or religion. This publication may be available in other formats for the disabled.

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# Pregnancy and Employment



## Know your Rights under the Kentucky Civil Rights Act!

Commission on Human Rights

**D**iscrimination on the basis of pregnancy, childbirth or related medical condition constitutes unlawful sex discrimination under the Kentucky Civil Rights Act and Title VII of the 1964 Civil Rights Act as amended.

## EMPLOYMENT

- An employer cannot refuse to hire an individual because of pregnancy related conditions as long as the individual is able to perform the major functions of the job.
- If an employee is temporarily unable to perform the job due to pregnancy, the employer should treat the employee the same as any other temporarily disabled employee.
- Employers must hold the position for a pregnancy related absence the same length of time jobs are held open for employees on sick or disability leave.
- Health insurance provided by an employer must cover expenses for pregnancy related conditions on the same basis as costs for other medical conditions.
- Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

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*Please be advised that filing a complaint with the Kentucky Commission on Human Rights may affect your right to bring your claims and causes of action in another forum. See Cabinet for Human Resources et al. v. Founder, Ky. App., 23 S.W. 3d 221 (1999) and Vaezkoroni v. Domino's Pizza Inc., Ky., 914 S. W. 2d 341 (1995). Please contact KCHR or a private attorney of your choice.*